REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Currently, claims 51-53, 56-58, 60-66, 69-75, 78-84, 86 and 88 are pending in this application.

Rejection Under 35 U.S.C. §103:

Claims 51-88 were rejected under 35 U.S.C. §102 as allegedly being anticipated over Ginzboorg et al (U.S. '091, hereinafter "Ginzboorg"). Applicant respectfully traverses this rejection with respect to the pending claims.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.,* 806 F.2d 1565, 1574 (Fed. Cir. 1986). Ginzboorg fails to disclose every element of the claimed invention. For example, Ginzoorg fails to disclose monitoring changes in the state of a logical connection, the logical connection being an internet socket defined by an IP address and a transport protocol port number, creating and recording data whenever the monitored logical connection changes state, and generating charging data on the basis of the recorded data, as required by independent claim 51 and its dependents.

The Office Action's arguments are not supported by the disclosure of Ginzboorg. Ginzboorg discloses that when a user initiates a connection, the terminal software sends a service request message to an access server. (See column 8, lines 5-21). This service request message includes the IP address of the terminal and the service type selected by the user. The service type is selected on an economic or functional basis, e.g. a full-featured connection to the Internet, direct connection to an email server, etc. (See Figure 4 and column 7, lines 16-50). There is no disclosure that the selection of the service type comprises a selection of a particular IP address and transport protocol port number or even the selection of a particular transport and/or application protocol that would imply or infer the use of a specific network port.

Once the service request message is received by the access server, the message is verified and a start message is then sent to a charging server WD. The start message includes the user terminal IP address, a notification address for use when the user terminates paying, a service identifier (which presumably identifies the selected service type), an access server identifier and an identifier that allows the type of message to be identified. Again, there is no disclosure in Ginzboorg that a transport protocol port number and the user IP address are used to define a socket such that the creation of a socket is used to generate charging data. Accordingly, Ginzboorg fails to disclose all of the limitations of independent claim 51. Similar comments apply to independent claims 70, 78, 82, 84 and 88.

Ginzboorg discloses a charging system that is significantly less sophisticated that that disclosed by the present invention. According to Ginzboorg's system, if a user sets up a "full featured internet connection", he will be charged for the time that the connection is in use, regardless of the use that is made of the connection. For example, a first user may only browse the website of a newspaper, such that he views a number of text articles (which require relatively little bandwidth to access but which may take some time to read). In contrast, a second user may use a "full featured internet connection" to download some emails, upload files to a website using FTP, view some videos from a website, make a VoIP call, etc. If the two users have a connection that is open for the same length of time, then according to Ginzboorg's system, they will be charged the same amount, regardless of their different uses of the network.

Using the present invention, it is possible to monitor the different sockets that are created and to generate charging data based on the socket usage, with it being possible to use different charging rates for different types of sockets based on the bandwidth, latency or other quality of service measure demanded by the particular application that is associated with each network or application protocol (and hence with each socket). This allows more appropriate charging

measures to be put into place without the overhead that is required in counting and measuring each packet that is sent and received in order to charge a user based on the amount of data that is used. Ginzboorg discloses a simple system in which the charging data is generated in accordance with the type of network connection selected and the time for which it is used. There is no disclosure in Ginzboorg that different types of use can be monitored using different transport protocol transport port numbers.

With respect to independent claim 86, Ginzboorg fails to disclose measuring a duration relating to at least a logical connection defined by at least client and server network layer addresses and client and server network transport layer addresses. Through this feature, client-server logical connection may be monitored at the network and transport layers of the ISO reference model.

Accordingly, Applicant requests the rejection in view of Ginzboorg be withdrawn.

Conclusion:

Accordingly, this entire application is now believed to be allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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